

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 10, 2008 (Paper No. 20080107). Upon entry of this response, claims 121-144 are pending in the application. In this response, claims 121 and 129 have been amended, and claims 137-144 have been added. Applicants respectfully request that the amendments being filed herewith be entered and that there be reconsideration of all pending claims.

1. Rejection of Claims 121-136 under 35 U.S.C. §103

Claims 121-136 are rejected under §103(a) as allegedly obvious over *LaJoie et al.* (5,850,218) in view of *Rowe et al.* (5,812,123). Applicants respectfully submit that the rejection is overcome by claim amendments made herein. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest (either implicitly or explicitly) all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Independent Claim 121

Claim 121 is amended to recite "wherein the processor is further configured to, responsive to receiving a focus instruction subsequent to the activation instruction, center the sequential channels on the channel corresponding to a current program to which the STT is tuned, and to highlight the one of the television program channels corresponding to the current program". Applicants can find nothing in *LaJoie et al.*, *Rowe et al.*, or the combination of references which discloses, teaches, or suggests a set-top terminal which responds to "a focus instruction" as recited in amended claim 121. Thus, amended claim 121 is not obvious under the

proposed combination of *LaJoie et al.* in view of *Rowe et al.*, and the rejection should be withdrawn.

b. Independent Claim 129

Claim 129 is amended to recite "centering the sequential channels on the channel corresponding to a current program to which the STT is tuned and highlighting the one of the television program channels corresponding to the current program, responsive to receiving a focus instruction subsequent to the activation instruction". Applicants can find nothing in *LaJoie et al.*, *Rowe et al.*, or the combination of both references which discloses, teaches, or suggests responding to "a focus instruction" by "centering...and highlighting..." as recited in amended claim 129. Thus, amended claim 129 is not obvious under the proposed combination of *LaJoie et al.* in view of *Rowe et al.*, and the rejection should be withdrawn.

c. Dependent Claims 122-128 and 130-136

Applicants respectfully submit that dependent claims 122-128 and 130-136 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 122-128 and 130-136 be withdrawn.

2. Newly Added Claims

Applicants submit that new claims 137-144 are allowable over the cited references. Specifically, independent claim 137 is allowable for at least the reason that the cited references do not teach, disclose, or suggest the feature of "logic configured to center the sequential channels on the channel corresponding to a current program to which the STT is tuned and to highlight the one of the television program channels that corresponds to the current program, wherein the logic configured to center and highlight is responsive to receiving a focus instruction subsequent to the activation instruction." Dependent claims 138-144 are allowable over the

cited references for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants request the Examiner to enter and allow the above new claims.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 121-144 be allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

By: /Karen G. Hazzah/

Karen G. Hazzah, Reg. No. 48,472

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

600 Galleria Parkway, NW
Suite 1500
Atlanta, Georgia 30339-5948
Tel: (770) 933-9500
Fax: (770) 951-0933